UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,460	06/29/2000	Kent K. Leung	CISCP150	1014

22434 7590 01/30/2004

BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

EXAMINER	
KIANERSI, MITRA	

ART UNIT	PAPER NUMBER
2143	7

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/608,460	Applicant(s) LEUNG, KENT K.	
	Examin r mitra kianersi	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 December 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Drawings

The drawings were received on Dec/15/2003. These drawings are approved.

Response to Amendment

Applicant's argument filed on 12/15/2003, have been fully considered, but they are not persuasive.

Applicant argues on page 2, lines 4-8, for claims 1,18,20, and 22, that Malkin neither discloses nor suggests sending an agent advertisement identifying an H.323 gateway on the foreign network.

Malkin on page 2, lines 1-3 enables the remote node to send and receive data grams from any point of attachments.

Applicant also argues on page 2, lines 20-23, that claims 15, 19, 21 and 23 neither discloses nor suggests receiving an agent advertisement identifying an H.323 gateway on the foreign network. Thus, Malkin neither discloses nor suggests sending a packet from the node, where the packet is addressed to the H.323 gateway identified in the agent advertisement. Malkin on page 8, lines 18-21, teach the claim language as a first set of instructions for providing a remote node with a mobile network connection (corresponds to receiving).

Although Malkin on page 2, line 50 teach a gateway, Malkin is silent about the type of gateway. However, Malkin in col 1, lines 29-35 teach the claim language to implement

The mobile routing protocols additional programs needs to be loaded on to remote node (a gateway router, a computer, etc.) to enable the node to communicate with its original network without having to change its network address. Therefore, by modifying Malkins invention to add H.323 gateway of Valentine that discloses in [paragraph 0024] in order to provide quality voice communication (the international standard and the market leader for IP technology).

Applicant argues on page 3, lines 20-21 argues that neither of the cited references, separately or in combination, discloses or suggests a way to ensure that a H.323 gateway that is closest to the mobile node is contacted. Valentine et al. on page 2, paragraph [0024] teach a communication system that when an enhanced gateway or gatekeeper (like H.323 network) element is incorporated in a communication system, it provides quality voice communication system, it provides quality voice communication over the pocket-sized internet such as voice over IP. The dependent claims are also not allowable for the reasons above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malkin et al. (US 6,061,650) and further in view of Valentine et al. (US 2002/0058507).

1. Regarding independent claims 1, 18 and 22, Malkin et al. teach a Foreign Agent that supports Mobile IP, the Foreign Agent being on a foreign network and configured to enable a node visiting the Foreign Agent to send IP packets (Pg 6, lines 5-8). The Foreign Agent comprising: a processor (Pg 8, lines 21-22); and a memory (Pg 7, line 13), the memory storing therein the following instructions: instructions for sending an agent advertisement (Pg 2, lines 1-3) and (Pg 7, lines 8-11), instructions for receiving a packet from the node (Pg 2, lines 1-3), the packet being addressed to the gateway and requesting an IP address associated with a destination (Pg 2, lines 33-35); instructions for forwarding a packet including the requested IP address to the node (Pg 4, lines 66-67); and instructions for receiving an IP packet from the node, the IP packet being addressed to the IP address (Pg 8, lines 18-21).

As per claims 1, 3-5, 15, 17-23 Malkin et al. teaches all of the claimed elements except for the H.323 gateway, which serves as the home agent, however Valentine et al. have been cited for teaching a communication system and an improved method and arrangement corresponding to incorporating an enhanced gateway or gatekeeper (H.323 networks) element (Pg 2, Part [0024]). Valentine et al. further teach that in order to provide quality voice communications over the pocketsize Internet such as voice over IP one of ordinary skill in the art would have been motivated, to use the H.323 gateway or gatekeeper, because doing so would have provide an enhanced voice communications at a greatly reduced cost to the user, when compared to traditional telephone tolls (Pg 1, part [0003]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to recognize that H.323 gateway could be used in voice over IP optimization and mobile IP network technology in Malkin et al. as thought in Valentine et al. for the explicit reasons discussed herein above.

2. Regarding claim 2 and 16, Malkin et al. teach a method, wherein the node is a mobile node (Pg 5, lines 59-64) that supports Mobile IP (Pg 5, lines 53-56).

3. Regarding claim 3, Malkin et al. teach a method where in a Foreign Agent comprising: instructions for receiving the packet including the requested IP address from the gateway (Pg 5, lines 6-7).

4. Regarding claim 4, Malkin et al. teach a method where Foreign Agent comprising: instructions for determining whether the gateway has access to the requested IP address associated with the destination (Pg 4, lines 58-61); instructions for obtaining the requested IP address from the gateway when the gateway does have access to the requested IP address associated with the destination (Pg 2, lines 33-34); and instructions for obtaining the requested IP address from a second gateway located at a home network of the node when the gateway does not have access to the requested IP address associated with the destination (Pg 7, lines 39-46).

5. Regarding claim 5, Malkin et al. teach a method where the instructions for obtaining the requested IP address from a second gateway located at a home network of the node comprise: instructions for sending a request for the requested IP address to the Home Agent (abs, lines 8-9); and instructions for receiving the requested IP address from the Home Agent (Pg 5, lines 11-14).

6. Regarding claim 6, Malkin et al. teach a method where Foreign Agent comprising: instructions for sending the IP packet addressed to the IP address. (Pg, line)

7. Regarding claim 7 and 12, Malkin et al. teach a method, wherein the IP address is associated with a PSTN gateway (Pg 3, lines 30-31).

8. Regarding claim 8, Malkin et al. teach a method, wherein the Foreign Agent as comprising: instructions for sending a registration request to a Home Agent associated with the node; instructions for receiving a registration reply from the Home Agent associated with the node; and instructions for forwarding the registration reply to the node (Pg 6, lines 22-29).

9. Regarding claim 9, Malkin et al. teach a method where the Foreign Agent as comprising: instructions for receiving an IP packet including voice information from the

Home Agent, the IP packet being addressed to the node; and instructions for forwarding the IP packet to the node (Pg 6, lines 30-35).

10. Regarding claim 10, Malkin et al. teach a method where the Foreign Agent as comprising: instructions for notifying a corresponding node having the IP address that the node is visiting the Foreign Agent (Pg 6, lines 25-30).

11. Regarding claim 11, Malkin et al. teach a method wherein the Foreign Agent as comprising: instructions for notifying a corresponding node having the EP address that a care-of address of the node is an address of the Foreign Agent (Pg 6, lines 25-26).

12. Regarding claim 13, Malkin et al. teach a method, wherein the PSTN gateway supports Mobile IP and wherein notifying the corresponding node having the IP address that the care-of address of the node is an address of the Foreign Agent comprises sending a mobile IP packet including the care-of address to the PSTN gateway (Pg 2, lines 58-61).

13. Regarding claim 14, Malkin et al. teach a method where Foreign Agent comprising: instructions for notifying a corresponding node having the IP address that the node is no longer visiting the Foreign Agent (Pg 5, lines 47-50).

14. Regarding independent claim 15, Malkin et al. teach a method where a node visiting a Foreign Agent on a foreign network and being capable of sending IP packets (Pg 6, lines 5-8) via an IP address obtained from a gateway, the node comprising: a processor (Pg 8, lines 21-22); and a memory storing therein the following instructions (Pg 7, line 13): instructions for receiving an agent advertisement, the agent advertisement identifying an gateway on the foreign network; instructions for sending a packet from the node, the packet being addressed to the gateway and requesting an IP address associated with a destination; instructions for receiving a packet including the requested IP address; and instructions for sending an IP packet from the node, the IP packet being addressed to the IP address (Pg 2, lines 1-5).

15. Regarding claim 17, Malkin et al. teach a method comprising instructions for saving gateway information associated with the gateway (Pg 6, lines 1-3).

16. Regarding independent claim 19, Malkin et al. teach a system where a node visiting a Foreign Agent on a foreign network and being capable of sending IP packets (Pg 6, lines 5-8) via an IP address obtained from a gateway, the node comprising: means for receiving an agent advertisement, the agent advertisement identifying a gateway on the foreign network; means for sending a packet from the node, the packet being addressed to the gateway and requesting an IP address associated with a destination; means for receiving a packet including the requested IP address; and means for sending an IP packet from the node, the packet being addressed to the IP address (Pg 2, lines 1-5).

17. Regarding independent claim 20, Malkin et al. teach a computer readable medium for enabling a node visiting a Foreign Agent to send IP packets including voice information via an IP, address obtained from a gateway, the Foreign Agent being on a foreign network, comprising: instructions for sending an agent advertisement (Pg 2, lines 1-3) and (Pg 7, lines 8-11), the agent advertisement identifying a gateway on the foreign network; instructions for receiving a packet from the node (Pg 2, lines 1-3), the packet being addressed to the gateway and requesting an IP address associated with a destination (Pg 2, lines 33-35); instructions for forwarding a packet including the requested IP address to the node (pg 4, lines 66-67); and instructions for receiving an IP packet from the node, the IP packet being addressed to the IP address.

18. Regarding independent claim 21, Malkin et al. teach a computer-readable medium for enabling a node visiting a Foreign Agent to send IP packets (Pg 6, lines 5-8) via an IP address obtained from a gateway, the Foreign Agent being on a foreign network, comprising: instructions for receiving an agent advertisement, the agent advertisement identifying a gateway on the foreign network; instructions for sending a packet from the node, the packet being addressed to the gateway and requesting an IP address associated with a destination; instructions for receiving a packet including the requested IP address; and instructions for sending an IP packet from the node, the IP packet being addressed to the IP address (Pg 2, lines 1-5).

19. Regarding independent claim 23, Malkin et al. teach a node visiting a Foreign Agent on a foreign network, a method of sending IP packets (Pg 6, lines 5-8) via an IP

address obtained from a gateway, the method comprising: receiving an agent advertisement, the agent advertisement identifying a gateway on the foreign network; sending a packet from the node, the packet being addressed to the gateway and requesting an IP address associated with a destination; receiving a packet including the requested IP address; and sending an IP packet including voice information from the node, the IP packet being addressed to the IP address (Pg 2, lines 1-5).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Kianersi whose telephone number is (703) 305-4650. The examiner can normally be reached on 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-9923.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Mitra Kianersi
Jan/27/2004

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100